IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20850 of 2004

Between:

M/s Rama Krishna Rice & Floor Mill,

Bhimavaram, West-Godavari, rep. by its Proprietor,

Mente Padmanabham

..... PETITIONER

AND

1. Transmission Corporation of A.P. Ltd., (A.P.Transco)

rep. by its Chairman and Managing Director,

Vidyut Soudha, Khairatabad, Hyderabad.

2. The Divisional Electrical Engineer, Operation Division,

Eastern Power Distribution Company of A.P., Ltd.

(A.P. Transco), Bhimavaram, West-Godavari District.

3. The Additional Assistant Engineer, Operation, Distribution-I Section,

Eastern Power Distribution Company of A.P., Ltd.

Bhimavaram, West-Godavari District.

4. The Assistant Accounts Officer, Electricity Revenue Office,

Eastern Power Distribution Company of A.P., Ltd.

Bhimavaram, West-Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order of direction more particularly one in the nature of Writ of Mandamus declaring the Letter No.DEE/O/BVRM/AE (Comml)F.No./D.No.1933/04 dated 16-04-2004 of the 2nd respondent and the consequential letter No.AEE/Operation/D.1 Section/Bhimavaram/F/D.No.644/04 dated 28-9-2004 of the 3rd respondent as highly illegal, arbitrary, unjust and contrary to the Principles of Natural Justice and Section 2(6) and 49-I of the Indian Electricity Act, 1910 and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.D.V.NAGARJUNA BABU

Counsel for the Respondent No.: MR.M.V.SUBBA RAO – S.C.

The Court made the following :

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.20850 OF 2004

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ORDER:

The petitioner is a rice and floor mill, and is extended the power supply by the respondents. According to them, the mill was closed on 01-12-2003, and thereafter, no electricity was consumed. The petitioner was served with a bill, dated 01-02-2004, indicating a sum of Rs.19,856/-, as consumption charges. The petitioner made a representation on 10-03-2004, stating that the reading of the meter appears to be wrong, for the reason that, once the mill is closed with effect from 1-12-2003, there is no possibility of consumption of any power. The 2nd respondent issued reply, dated 16-04-2004, stating that the consumption of the power may have been on account of non-switching off, of the capacitors. This was followed by another letter, dated 28-09-2001, demanding a sum of Rs.27,000/-, inclusive of consumption charges and penalty. The petitioner challenges the same.

Learned counsel for the petitioner had urged several contentions, touching on the merits as well as the procedure. According to him, whenever any dispute as to the proper functioning of the meter is raised before the appropriate forum, the respondents are under obligation to continue the power supply, and await the adjudication of the same. He submits that, when the petitioner sought for such a reference, it was obligatory on the part of the respondents to have taken further

steps, and to continue the supply.

The respondents filed counter affidavit, denying the allegations of the petitioner. Learned Standing Counsel for the respondents submits that, till the otherwise is proved, the reading recorded in the meter, has to be treated as proper, and the petitioner cannot seek restoration of power supply, unless the consumption charges are paid.

Till the year 2003, the resolution of disputes and the conditions of supply of power used to be governed by the provisions of Electricity Act, 1910, and Electricity Supply Act 1948. The Parliament enacted the Electricity Act, 2003. Though there are substantial changes in the matter, the adjudication of disputes, in relation to meter readings, virtually remains intact, particularly in view of the saving Clause in Section 185 of the new Act. Therefore, the disputes as to the accurate functioning of the meter, have to be resolved in accordance with the prevailing procedure. This Court cannot record any finding as to the correctness or otherwise of the allegations made by the petitioner.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that the power supply to the petitioner mill, shall be restored on payment of Rs.10,000/- (Rupees ten thousand only), and the validity or otherwise of the demand, challenged in this writ petition, shall be subject to the outcome of the proceedings before the appropriate forum that may be initiated by the parties. The parties are granted four weeks time to take appropriate steps for initiation of the proceedings before the concerned forum. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.22-11-2004

Note:

Office to issue copy in two days.

(B/O)KO

To

1. Transmission Corporation of A.P. Ltd., (A.P.Transco)

rep. by its Chairman and Managing Director,

Vidyut Soudha, Khairatabad, Hyderabad.

2. The Divisional Electrical Engineer, Operation Division,

Eastern Power Distribution Company of A.P., Ltd.

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4. The Assistant Accounts Officer, Electricity Revenue Office,

Eastern Power Distribution Company of A.P., Ltd.

Bhimavaram, West-Godavari District.

5. Two C.D. copies.